IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6599 of 2007()

[CRIME NO.578/2004 OF PALA POLICE STATION]

: PETITIONERS

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1. BINU P.S., S/O. SUKUMARAN NAIR,
   PULICKAKANDATHIL HOUSE, PALA POST,
   KOTTAYAM DISTRICT.

2. SRI. BIJU P.S., S/O. P.V.SUKUMARAN NAIR,
   PULICKAKANDATHIL HOUSE, PALA POST,
   KOTTAYAM DISTRICT.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6599 of 2007

Dated this the 31st day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are brothers. They face allegations for offences punishable inter alia under Sections 420, 451 and 385 I.P.C. The de facto complainant and her brother had raised complaints against the petitioners. The brother had filed a private complaint which was referred to the police. The sister had filed a petition before the police. Both of them were registered as crimes. But in the course of investigation realising that the crux of the allegations is identical, the investigation is now being continued only in crime No.570/04 of Pala police station. It is in that crime that the petitioners now apprehend arrest.

2. The gravamen of the allegations against the petitioners is that the de facto complainant had borrowed an amount of Rs.3,00,000/- from the first petitioner. They have resorted to improper and high handed methods to ensure recovery of the amount. It is contended that the complainants were compelled to execute and part with documents. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied

that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions. In coming to this conclusion, I have carefully considered the nature of the allegations that are raised in the F.I.Rs filed by the de facto complainant and her brother. I need not embark on a detailed discussion on the acceptability of the allegations or the credibility of the data collected. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 7/11/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 8/11/2007 and 9/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 07/11/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 7/11/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007